

**DURHAM, NORTH CAROLINA
MONDAY, DECEMBER 16, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner 1) commented on Supplemental Agenda Item #58--Resolution Honoring Laura Gill; 2) recognized Parks & Recreation Department for receiving the Innovative Program Award and 3) recognized Acting Parks & Recreation Director Tim Grant who acknowledged his staff for receiving award, announced that the City of Durham will be hosting the 59th NC Annual Recreation and Parks Society State Conference November 1-5, 2003 and congratulated Tammy Brown for being selected by the U. S. Tennis Association as the 2002 Local Lead Coordinator of the Year; and 4) relative to ice storm, the City Manager thanked everyone for their efforts and requested that Supplemental Items 60-67 [December 2002 Ice Storm] be added to the agenda.

MOTION by Council Member Clement seconded by Council Member Stith to accept the City Manager's priority items was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[SUPPLEMENTAL AGENDA]

SUBJECT: RESOLUTION HONORING LAURA S. GILL

MOTION by Council Member Clement seconded by Council Member Stith to adopt a resolution honoring Laura S. Gill for more than fifteen years of outstanding service and leadership to the City of Durham was approved at 7:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8947

There were no priority items from the City Attorney or City Clerk.

Mayor Pro Tempore Cheek requested that Consent Agenda Item #24 [Development Agreement with Liberty Arts Inc.] be pulled for discussion at this time.

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[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: DEVELOPMENT AGREEMENT WITH LIBERTY ARTS, INC. TO CONSTRUCT AN ARTS PAVILION ON A PORTION OF CITY TRACT #1933 IN DURHAM CENTRAL PARK, PORTION OF TAX MAP 61-03-003

Betty Pittard, of the Real Estate Department, made comments noting that Liberty Arts would like to name the building. Also, she provided Council with a development agreement and highlighted changes on pages 2, 3, 5 and 6 relative to naming the building and insurance issues.

Victoria Peterson, of P. O. Box 101, expressed concern with lease agreement.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Development Agreement with Liberty Arts, Inc. to build an arts pavilion on a portion of City Tract #1933; and

To authorize the City Manager to execute the Development Agreement and Lease Agreement; and

To authorize the City Manager to make changes to the Development Agreement provided such changes do not conflict with the agenda item and the general intent of the Development Agreement does not change was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Jack Preiss, representing Liberty Arts, spoke in support of this project.

Dean Hamric, representing Central Carolina Bank (CCB), presented a \$300,000 gift to Liberty Arts for the construction of an arts pavilion at Durham Central Park. He noted the pavilion will be named the George Watts Hill Arts Pavilion.

At this time during the meeting, Steve Hopkins, of 604-B Barnes Avenue, thanked City staff for going above and beyond the call of duty for residents of Barnes Avenue during the ice storm.

City Manager Conner thanked Laura Gill for her 15 years of outstanding service to the City of Durham and announced that a farewell reception will be held in her honor on December 18 at 1 p.m. in the Committee Room.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items 14 [Human Relations Week Activities]; 15 [Rock Hood/Cheer America]; 17 [W&S Extension Agreement – Southpoint Terrace]; 18 [W & S Extension Agreement – Durham Elementary School A]; 20 [Economic Development Incentive Policy]; 21 [Ordinance M/WBE]; 25 [Lease Agreement – The Community School for Children]; 26 [Amendment – Lease Agreement - UDI Community Development Corporation for Police Substation #4]; 31 [Amendments - Passenger Vehicle for Hire

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Ordinance]; 38 [Cart Enforcement Code]; and 56 [Northeast Central Durham Reinvestment, Inc. Audit].

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to approve the Consent Agenda as amended was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to approve the City Council minutes for the following meeting was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

November 18, 2002 - Regular Meeting

SUBJECT: LYON PARK ADVISORY BOARD – APPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to appoint the following citizens to the newly established Lyon Park Advisory Board with terms expiring June 30, 2003 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Victoria Joyce Maultsby (Representing Burch Avenue)
Dewarren K. Langley (Representing Lyon Park)
Angel P. Redoble (Representing Morehead Hills)
Patricia Simpson (Representing West End)

SUBJECT: DURHAM CONVENTION & VISITORS BUREAU

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to receive and accept recommendations from the Durham Convention & Visitors Bureau, a local Tourism Development Authority; and

To appoint Dominick T. DeFeo (representing Lodging) with term expiring October 31, 2005 and to re-appoint Paul D. Broughton (representing Food Service) with term expiring October 31, 2004 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: SOLE SOURCE CONTRACT WITH RAFTELIS FINANCIAL CONSULTING FOR A WATER & SEWER RATE UPDATE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to enter into a sole-source contract with Raftelis Financial Consulting, in an amount not to exceed \$19,900, to update the City's water and sewer rate study model; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN - WYNTERFIELD TOWNHOMES (D02-487)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to approve a site plan for 160 townhomes on a 23.68 acre tract located on the west side of NC Highway 55, south of Riddle Road was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN - RIDGEFIELD, PHASE 6A (D02-592)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to approve a site plan for a 37 lot subdivision on 19.35 acres, located on the west side of Fletchers Chapel Road and south of Brightwood Lane was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BIDS – VEHICLES [VIC BAILEY FORD, INC., UNIVERSITY FORD, INC., BOBBY MURRAY CHEVROLET, INC., DURHAM AUTOMOTIVE COMPANY, INC., DBA RICK HENDRICK CHEVROLET, TRIAD FREIGHTLINER OF GREENSBORO, INC.,]

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to accept the bid and authorize the City Manager to enter into a contract with Vic Bailey Ford, Inc., in the amount of \$758,235 for providing the City with Vehicles (Item no. 4 – One Police Pursuit Vehicle and Item no. 5 – Thirty-six Police Patrol Vehicles); and

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To accept the bid and authorize the City Manager to enter into a contract with University Ford, Inc., in the amount of \$138,341 for providing the City with Vehicles (Item no. 3 – One Mid-Sized Station Wagon, Item no. 7 – Two 9,200 GVWR Cargo Vans, Item no. 9 – One 8,600 GVWR Utility Vehicle, and Item no. 18 – Two 10,000 GVWR 4 X 4 Pickup Trucks with Snow Plows); and

To accept the bid and authorize the City Manager to enter into a contract with Bobby Murray Chevrolet, Inc., in the amount of \$618,611 for providing the City with Vehicles (Item no. 1 – Eight compact Sedans, Item no. 2 – Five Mid-sized Sedans, Item no. 6 – Four Mini Passenger Vans, Item no. 10 – Twenty-one Compact Pickup Trucks, Item no. 11 – Seven 8,600 GVWR Pickup Trucks, Item no. 12 – One 8,600 GVWR Crew Cab Pickup Truck, Item no. 13 – One 8,600 GVWR 4 X 4 Pickup Truck, Item no. 14 – One 8,600 GVWR Extended Cab Pickup Truck, and Item no. 16 – One 10,000 GVWR Pickup Truck); and

To accept the bid and authorize the City Manager to enter into a contract with Durham Automotive Company, Inc., dba Rick Hendrick Chevrolet, in the amount of \$223,468 for providing the City with Vehicles (Item no. 8 – Two 4 X 4 Sport Utility Vehicles, Item no. 15 – One 8,600 GVWR 4 X 4 Service Truck, Item no. 17 – One 10,000 GVWR Dump Truck with Crane, Item no. 19 – Three 10,000 GVWR Platform Trucks, and Item no. 20 – One 10,000 GVWR 4 X 4 Crew Cab Dump Truck); and

To accept the bid and authorize the City Manager to enter into a contract with Triad Freightliner of Greensboro, Inc., in the amount of \$100,468 for providing the City with Vehicles (Item no. 21 – Two 32,000 GVWR Dump Trucks); and

To authorize the City Manager to modify the aforementioned contracts before execution provided that modifications do not increase the dollar amount of the contracts and the modifications are consistent with the general intent of the existing version of the contracts was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BIDS – FIRE SQUAD TRUCKS [DURHAM AUTOMOTIVE COMPANY DBA RICK HENDRICK CHEVROLET]

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to accept the bid and authorize the City Manager to enter into a contract with Durham Automotive Company dba Rick Hendrick Chevrolet, in the amount of \$112,980 for providing the City with three Fire Squad Trucks; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: BIDS – AUTOMATED SIDE LOADING REFUSE COLLECTION VEHICLES [CAROLINA ENVIRONMENTAL SYSTEMS, INC.]

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to accept the bid and authorize the City Manager to enter into a contract with Carolina Environmental Systems, Inc., in the amount of \$677,316 for providing the City with four Automated Side Loading Refuse Collection Vehicles; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SETTING THE DATE FOR THE PUBLIC HEARING ON THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FUNDS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to set the date for the public hearing on the reallocation of Community Development Block Grant (CDBG) and HOME funds to be held on January 6, 2003 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: EARLY ACTION COMPACT IN REGION J

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt a resolution of intent to be part of the Early Action Compact for the Triangle Area of North Carolina was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8948

SUBJECT: ON-STREET PARKING ORDINANCES - PETTIGREW STREET, ONSLOW STREET, TRINITY AVENUE, FOX HUNT STREET, HALLEY STREET, LEBANON CIRCLE

- A. **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an ordinance to repeal Ordinance #12645, adopted 08/19/02, establishing prohibited parking on the south side of Pettigrew Street in the area beginning at

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the west curb line of Murphy Street, if extended, and extending for a distance of 110 ft. westwardly was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12711

B. **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an ordinance prohibiting parking at any time was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. On the south side of Pettigrew Street, in the area beginning at the west curb line of Murphy Street, if extended, and extending for a distance of 182 feet westwardly;
2. On the east side of Onslow Street, in the area beginning at a point 55 feet north of the north curb line of Green Street, if extended, and extending for a distance of 38 feet northwardly;
3. On the north side of Trinity Avenue, in the area beginning at a point 170 feet west of the west curb line of Watts Street, if extended, and extending for a distance of 145 feet westwardly;
4. On the east side of Fox Hunt Street, in the area beginning at a point 159 feet north of the north curb line of Overlook Avenue, if extended, and extending for a distance of 60 feet northwardly; and
5. On the south side of Halley Street, in the area beginning at the east curb line of Kent Street, if extended, and extending for a distance of 40 feet eastwardly.

Ordinance #12712

C. **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an ordinance prohibiting stopping, standing, and parking at any time was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. On the north side of Lebanon Circle, in the area beginning at a point 1,032 feet east of the east curb line of Guess Road (north intersection of Guess Road and Lebanon Circle) and continuing clockwise for a distance of 570 feet; and
2. On the south side of Lebanon Circle, in the area beginning at a point 1,044 feet east of the east curb line of Guess Road (north intersection of Guess Road and Lebanon Circle) and continuing clockwise for a distance of 555 feet.

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Ordinance # 12713

D. **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an ordinance establishing loading and unloading zone was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. On the south side of Halley Street, in the area beginning at a point 40 feet east of the east curb line of Kent Street, if extended, and extending for a distance of 30 feet eastwardly; and
2. On the south side of Halley Street, between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, in the area beginning at a point 110 feet east of the east curb line of Kent Street, if extended, and extending for a distance of 35 feet eastwardly.

Ordinance #12714

E. **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an ordinance establishing handicap parking on the south side of Halley Street, in the area beginning at a point 70 feet east of the east curb line of Kent Street, if extended, and extending for a distance of 40 feet eastwardly was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12715

SUBJECT: CITY/COUNTY WATER AND SEWER BILLING AGREED UPON PROCEDURES CONTRACT EXTENSION – CITY OF DURHAM - COUNTY OF DURHAM - DIXON ODOM – 35 PROJECTS (PHASE I) AND TRIANGLE WASTEWATER TREATMENT PLANT SERVICE AREA (PHASE II)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to amend the joint contract with the County of Durham and Dixon Odom extending the completion date to March 11, 2003 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO THE CITY OF DURHAM AFFORDABLE HOUSING MORTGAGE LOAN PROGRAM ORIGINATION AGREEMENT - CENTRAL CAROLINA BANK (CCB)

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to execute an amendment to the City of Durham's Affordable Housing Mortgage Loan Program Origination Agreement with Central Carolina Bank and to make minor changes to the agreement as are consistent with the City Council approval was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO BELL SOUTH LAND LEASE AGREEMENT - CITY OF DURHAM AND BELL SOUTH PERSONAL COMMUNICATIONS, LLC, D/B/A CINGULAR WIRELESS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to execute an Amendment adding 350 S.F. to the Land Lease Agreement between the City of Durham and BellSouth Personal Communications, LLC, d/b/a Cingular Wireless. The annual lease rate will increase \$1,400, for a total annual income of \$11,000, plus 15% of all sublease rent was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION CONTRACT FOR RENOVATIONS OF A PLAYGROUND AT ORCHARD PARK - VALLEYCREST LANDSCAPE DEVELOPMENT, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to enter into a contract with ValleyCrest Landscape Development, Inc. in the amount of \$236,840 and to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the contract approved by the City Council; and

To establish a contingency fund for the Orchard Park Playground project in the amount of \$11,842; and

To authorize the City Manager to negotiate and execute change orders on the Orchard Park Playground project provided that the cost of all change orders do not exceed \$11,842 and the total project cost does not exceed \$248,682 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACT(S) FOR MARKETING AND COMMUNICATIONS AGENCY OF RECORD FOR FY02-03 – CREATIVE MARK, INC.

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To authorize the City Manager to enter into a service agreement with The Creative Mark, Inc. to provide marketing and communications services for the City of Durham. This will be an agency of record to utilize from time to time as needed.

To authorize the City Manager to enter into a service agreement with La Conexion Latina to provide marketing and communications services for the City of Durham. This will be an agency of record to utilize from time to time as needed.

The scope of work for both contracts may not exceed \$70,0000.

Note: This item was moved to the 12-19-02 work session.

**SUBJECT: TRANSPORTATION PLANNING GRANT PROJECT
ORDINANCE 12608 FOR FY 2002-2003 – NCDOT - PARSONS
BINCKERHOFF QUADE & DOUGLAS, INC. -
MARTIN/ALEXIOU/BRYSON, PLLC**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt the "City of Durham and North Carolina Department of Transportation -Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance - FY 2002-2003, Superceding Grant Project Ordinance 12608"; and

To authorize the City Manager to execute a Supplemental Agreement for the On-Call Transportation Planning Services and the City of Durham Travel Demand Modeling Support with Parsons Binckerhoff Quade & Douglas, Inc. in an amount not to exceed \$80,000 and make necessary changes without changing the amount or substance of the agreement; and

To authorize the City Manager to execute a Supplemental Agreement for the On-Call Transportation Planning and Transportation Engineering Services with Martin/Alexiou/Bryson, PLLC in an amount not to exceed \$100,000 and make necessary changes without changing the amount or substance of the agreement was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12709

SUBJECT: MANAGED COMPETITION

To receive a presentation from the Managed Competition Citizen's Committee.

Note: This item was moved to the 12-19-02 work session.

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SUBJECT: ANNUAL REPORT OF THE DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to receive a report from the Durham Bicycle and Pedestrian Advisory Commission was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CITY HALL RENOVATIONS

To receive a presentation on administration's recommendations on City Hall renovations.

Note: This item was moved to the 12-19-02 work session.

SUBJECT: RAPLH MCKINNEY, JR.

Citizen comment was heard at the 12-09-02 work session.

SUBJECT: SALES AND SOLICITATION ORDINANCE

To adopt Option A – Sales and Solicitation Ordinance.

Note: The City Council suspended the rules at the 12-09-02 work session and voted on this item-- Ordinance #12730

SUBJECT: INTERLOCAL AGREEMENT FOR COST ESTIMATOR SERVICES - COUNTY OF DURHAM – CITY OF DURHAM - NORTH AND SOUTH GARAGES FOR THE AMERICAN TOBACCO REDEVELOPMENT PROJECT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to enter into an Interlocal Cooperation Agreement with the County of Durham for cost estimator services related to the North and South Garages for the American Tobacco Redevelopment project in an amount not to exceed \$7,000 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM CONVENTION AND VISITORS BUREAU - CITY COUNCIL APPOINTMENT

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to appoint Council Member Cora Cole-McFadden to the Durham Convention and Visitors Bureau with term expiring December 31, 2004 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: HUMAN RELATIONS WEEK ACTIVITIES

To adopt a Resolution appropriating \$19,250 from General Fund Contingency to the Human Relations Department for the purposes of conducting Human Relations Week activities; and

To adopt a Budget Ordinance Amendment transferring \$19,250 from General Fund Nonassigned (Contingency) to Administrative and Support Services (Human Relations Department) for the purposes of conducting Human Relations Week activities.

Mayor Pro Tempore Cheek expressed concern with this item due to the ice storm crisis and budget.

City Manager Conner stated there is approximately \$3,000 available for this activity as a part of previously received HUD funds that could assist with the offset of the request.

Council held discussion on soliciting contributions from corporate America, charging a banquet fee and minimizing advertising cost.

Council Member Cole-McFadden requested information from the Human Relations Department regarding additional secretary and staff positions.

MOTION by Council Member Cole-McFadden seconded by Council Member Stith to refer this item to the December 19, 2002 City Council Work Session was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ROCK HOOD/CHEER AMERICA - YOUNG OLYMPIANS INTERNATIONAL INC. - CHEERLEADING AND SELF-DEFENSE PROGRAM - EDISON JOHNSON RECREATION CENTER AND THE I.R. HOLMES SR. RECREATION CENTER AT CAMPUS HILLS

Victoria Peterson, of P. O. Box 101, raised a concern about tax dollars being used for this type of program.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Young Olympians International Inc., to provide a cheerleading and self-defense program at the Edison Johnson Recreation Center and the I.R. Holmes Sr. Recreation Center at Campus Hills for the pass-through of class fees in the maximum amount of \$45,000, with an option for a renewal of the contract for one additional year on the same terms was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT –
SOUTHPOINT TERRACE - CENTEX HOMES**

Lee Murphy, of the Public Works Department, made comments on this item. He noted the annexation of this property appears also in GBA Item #39.

LaVonnia Allison asked for clarification on who would be paying the cost for water and sewer extensions.

Lee Murphy noted the developer shall bear the cost of all water and sewer construction and there shall be no participation in the cost by the City.

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a water and sewer extension agreement with Centex Homes to serve Southpoint Terrace was approved at 8:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT – DURHAM
ELEMENTARY SCHOOL A - DURHAM PUBLIC SCHOOLS
BOARD OF EDUCATION**

To authorize the City Manager to enter into a water and sewer extension agreement with Durham Public Schools Board of Education to serve Durham Elementary A.

Lee Murphy, of the Public Works Department, made comments on this item.

Mayor Pro Tempore Cheek asked the administration if the Board of County Commissioners is requesting Council to delay action on the water and sewer extension agreement as well as the annexation.

Frank Duke, City/County Planning Director, noted the County has continued the public hearing on the major special use permit to their January 6 Work Session and the water and sewer extension agreement was not an issue when the item was discussed.

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Mayor Pro Tempore Cheek spoke in support of continuing this item along with GBA Item #40 [Voluntary Annexation Petition for Elementary A - Durham Public Schools].

MOTION by Council Member Clement seconded by Council Member Stith to continue this item to the January 21, 2003 City Council Meeting was approved at 8:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ECONOMIC DEVELOPMENT INCENTIVE POLICY

Victoria Peterson, of P. O. Box 101, expressed concern with providing cash incentives.

MOTION by Council Member Clement seconded by Council Member Stith to adopt the amended economic development incentive policy was approved at 8:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ORDINANCE EXTENDING THE SUNSET PERIOD FOR THE
ORDINANCE TO PROMOTE CITY CONTRACTING WITH
MINORITY AND WOMEN BUSINESS ENTERPRISES**

MOTION by Council Member Clement seconded by Council Member Stith to adopt an ordinance to extend the Sunset Period from December 31, 2002 to March 31, 2003 for the Ordinance to Promote City contracting with Minority and Women Business Enterprises was approved at 8:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12716

**SUBJECT: LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND
THE COMMUNITY SCHOOL FOR CHILDREN**

Mayor Pro Tempore Cheek raised questions that were answered by staff relative to the lease payment and renovations.

MOTION by Council Member Clement seconded by Council Member Stith to approve the 5-year, 5-month Lease Agreement between the City of Durham and The Community School for Children, and authorize the City Manager to make changes that do not affect the lease rate or change the intent and purpose of the lease was approved at 8:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND UDI COMMUNITY DEVELOPMENT CORPORATION FOR POLICE SUBSTATION #4 – EAGLE COMMONS SHOPPING CENTER

Mayor Bell noted he would be abstaining from voting on this item.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute a Lease Amendment between the City of Durham and UDI Community Development Corporation to lease space in the Eagle Commons Shopping Center for a substation to serve District #4 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Abstention: Mayor Bell. Absent: None.

SUBJECT: PROPOSED AMENDMENTS TO THE PASSENGER VEHICLE FOR HIRE ORDINANCE

Mayor Pro Tempore Cheek raised a question that was answered by staff regarding the appeal process. Also, he urged the administration to abide strictly by time deadlines for appeals.

MOTION by Council Member Clement seconded by Council Member Stith to adopt amendments to Chapter 22 of Article I-III pertaining to Passenger Vehicles for Hire Ordinance was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12717

SUBJECT: ENFORCEMENT PROCESS OF THE CART ENFORCEMENT CODE

To receive a presentation regarding issues related to creating strategies to enhance the enforcement processes of City Code, Chapter 10, Section 10-66, that will provide Solid Waste Management with a means to provide heightened public awareness and compliance.

As a priority item, the City Manager requested that this item be removed from the agenda.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to remove this item from the agenda and to refer it to the administration was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: NORTHEAST CENTRAL DURHAM REINVESTMENT, INC.
AUDIT**

Wanda Page, Audit Services Director, made comments on the audit for the years ending June 30, 2001 and June 30, 2002.

Steve Hopkins noted he requested a complete audit beginning 1999-2000 and expressed concern with the amount in NECD's account. Also, he asked the City Manager to provide an accurate account of what happened to the money and who authorized expenditures.

City Manager Conner informed Mr. Hopkins that the administration can provide him with the 1999-2000 expenditures.

LaVonnia Allison expressed concern regarding the \$8,000 phone bill at Antioch Baptist Church reported in the newspaper.

Wanda Page, Audit Services Director, gave an update on the telephone line being charged to the NECD account at the location of Antioch Baptist Church.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept a presentation on an audit of Northeast Central Durham Reinvestment, Inc. was approved at 8:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: 2003 CITY COUNCIL MEETING SCHEDULE

MOTION by Council Member Clement seconded by Council Member Stith to approve the 2003 City Council Meeting Schedule was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CITY ATTORNEY AND COUNCIL PROCEDURES COMMITTEE

City Attorney Blinder highlighted changes to City Council Procedures as listed.

2.6.7(a) Citizens. A citizen wishing to speak on a matter on the agenda (other than an item previously placed on the agenda at the request of the citizen) must sign up to do so with the City Clerk by no later than the start of the meeting at 7:00 p.m., etc.

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3.4.1[c] A citizen wishing to speak on a matter on the agenda (other than an item already placed on the agenda under Section 3.4.1(a) at the request of the citizen) must sign up to do so with the City Clerk by no later than the start of the meeting at 1:00 p.m., etc.

Attachment A -- Procedures for Appointing Citizens to Boards, Committees and Commissions:

7. Citizens will be required to sign a commitment of service when appointed to various boards, committees and commissions.
20. If a board appointee has four (4) consecutive, unexcused absences from regularly scheduled board meetings or is absent from more than one-third (1/3) of the regularly scheduled board meetings in a given year, it shall be the policy of the City Council to remove that appointee, in the absence of his/her showing good cause, and to make another appointment. This paragraph shall not apply to members of the Human Relations Commission, who are subject to the attendance requirements of Section 2-41(f) of the City Code.

Mayor Bell made comments about the change relative to the citizens wishing to speak on a matter on the agenda must sign up with the City Clerk no later than the start of the meeting at 7:00 p.m.

Mayor Pro Tempore Cheek noted the City Council Procedures should indicate that the Work Sessions will start at 1:00 p.m. instead of 12:00 noon.

Council Member Edwards noted the changes are a way to achieve a more efficient and effective way of holding meetings.

LaVonnia Allison expressed concern regarding the change to procedures relating to citizens signing up by 7:00 p.m. to speak on an item. She noted this is not customer friendly.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Edwards to adopt the amendments to the rules of procedures as recommended by the Procedures Subcommittee was approved at 8:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

SUBJECT: BARNES AVENUE BLIGHT STUDY

Frank Duke, City/County Planning Director, briefed Council on this item.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to receive the Barnes Avenue Blight Study; and

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To receive the certification from the Planning Committee that the area qualifies as a blighted area and that preparation of a Redevelopment Plan for the area would be consistent with adopted plans; and

To direct staff to proceed with the preparation of a Barnes Avenue Redevelopment Plan was approved at 8:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: TAX COLLECTION OPTIONS PRESENTATION

To receive the Administration's report on alternatives to Durham County collection of City of Durham property taxes.

Ken Pennoyer, Acting Finance Director, gave a report on this item. He discussed the two alternatives since the state statutes preclude outsourcing of the tax collection function. He noted based on the analysis, the administration is not recommending the City assume tax collection based on cost and the collection rate. However, he noted the administration recommends that the City continue to contract with the County to provide tax collection services and negotiate through the agreements performance based fees and collection efforts performance measures so that the City can effectively monitor collections and provide incentives for improved collections.

Council held discussion on incentives and penalties.

Council Member Clement noted further discussion should be held on this item in order to get a response from the County to what the administration is proposing.

City Manager Conner requested that this item be referred to the January 9, 2003 City Council Work Session to allow the new Tax Appraiser an opportunity to look at this issue.

MOTION by Council Member Clement seconded by Council Member Edwards to refer this item to the January 9, 2003 City Council Work Session was approved at 9:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STATUS OF PROJECTS ON MAYOR'S HOUSING TOUR

Housing Director Charlene Montford made comments on the November 11 housing tour that Council participated in throughout the city of Durham.

Mayor Bell asked the City Manager to schedule a follow-up housing tour.

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MOTION by Council Member Clement seconded by Council Member Edwards to receive a presentation on the status of houses on the Mayor's housing tour was approved at 9:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: GRIEVANCE PROCEDURES

To receive a report and presentation on the final revised grievance procedure and to present the administration's response to the Police Benevolent Association.

Alethea Bell, Human Resources Director, made comments on this item noting there is a revised recommendation concerning the grievance process.

Interim Police Chief Chalmers gave a presentation on this item. He gave an overview of the internal affairs investigative process that goes on within the Police Department for the administration and grievance process that involves the City.

Alethea Bell, Human Resources Director, noted the administration is not recommending the PBA Disciplinary Procedures Act and that a team of individuals chaired by the Human Resources Director will study the Police's Internal Affairs process and make a recommendation to the City Manager and Police Chief within 60 days. Also, she noted the timeframe for the completion of the grievance process has been changed to mid-April as requested by the City Manager during the work session.

Council Member Cole-McFadden asked questions that were answered by staff relative to training for internal affairs, investigation and the outside body. Also, she requested the administration to provide information on the number of grievances including demographics filed in the Police Department.

Council held discussion on the selection of team, rotation of officers for internal affairs and Citizens Review Board.

City Manager Conner indicated she would provide information statistically on what the liability factor has been for local governmental units that use citizens review board to deal with the discipline of police actions.

Andy Miller, of the PBA, made comments about the proposed Disciplinary Due Process Procedures Act for Durham police officers. He noted the current disciplinary system is unfair, unclear, inconsistent and not respectful of the rights of the police officers. Also, he noted the process tells the officers they got to testify, cannot take the fifth, and have to take a polygraph examination and they are treated differently from other City employees.

Council Member Stith asked Mr. Miller if he was referring to the grievance procedure or Internal Affairs process and asked City Attorney Blinder about the state law for an outside board.

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Mr. Miller replied both.

City Attorney Blinder noted it will require legislative authority to implement PBA's proposal.

City Manager Conner noted there is a proposal before Council tonight that allows the administration to do a review of the Internal Affairs operation relative to appropriate staffing, training, number of cases, time to resolve the case and the fairness issue. Also, she offered the opportunity to FOP, PBA and other associations to participate in the review process.

Council Member Clement raised concern with the issue of self-incrimination and noted Council is not ready to make a decision tonight.

City Manager Conner noted for the remainder of City employees, the administration will be moving forward with the grievance process recommended by the committee and as it relates to the Police Department the administration will bring back a report at the February 6, 2003 City Council Work Session.

Council Member Best requested the administration to come back with information on when is it revealed during the grievance process that there is no documentation presented to prove an alleged offense, what happens when policies and procedures in place now are not followed—how do they appeal. Also, he asked that this issue be placed at the beginning of the Work Session agenda.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to extend the meeting beyond 10:00 p.m. was approved at 10:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive a report and presentation on the final revised grievance procedure; and

To refer the discussion/issues related to the Police Department to the February 6, 2003 City Council Work Session was approved at 10:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2002 - DAVIS HEIRS PROPERTY - BETHESDA AND PARKWOOD VOLUNTEER FIRE DEPARTMENTS

Vincent Taylor, of the Budget Office, made comments noting this item was continued from December 2, 2002 City Council Meeting.

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Mayor Bell opened the public hearing.

Attorney Jack Markham made comments on this item.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizen comments on public hearings for Davis Heirs Property; and

To adopt an ordinance annexing Davis Heirs Property in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002; and

To authorize the City Manager to modify an existing half-base contract with the Bethesda and Parkwood VFDs to provide supplemental fire protection over a five-year period for the Davis Heirs Property area under the same terms and conditions as services are provided to other areas in such contracts was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12718

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO OCTOBER 1, 2002 - ELEMENTARY A (DURHAM PUBLIC SCHOOLS); MARENA PLACE; HOPE CREEK CHURCH OF NAZARENE, INC.; FARRINGTON ROAD BAPTIST CHURCH; MAIDA VALE; BRASSFIELD – PARKWOOD, NEW HOPE, BETHESDA VOLUNTEER FIRE DEPARTMENTS

To receive citizen comments on public hearings for Elementary A (Durham Public Schools); Marena Place; Hope Creek Church of Nazarene, Inc.; Farrington Road Baptist Church; Maida Vale; Brassfield.

To adopt ordinances annexing Elementary A (Durham Public Schools); Marena Place; Hope Creek Church of Nazarene, Inc.; Farrington Road Baptist Church; Maida Vale; Brassfield in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002.

To authorize the manager to pay the debt service of the Parkwood and New Hope Volunteer Fire Departments (VFDs) in connection with the Elementary A (Durham Public Schools); Marena Place; Hope Creek Church of Nazarene, Inc.; Maida Vale annexation areas.

To authorize the manager to modify an existing half-base contract with the Bethesda and Parkwood VFDs to provide supplemental fire protection over a five-year period for the Farrington Road Baptist Church and Brassfield annexation areas under the same terms and conditions as services are provided to other areas in such contracts.

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1) Elementary A (Durham Public Schools)

MOTION by Council Member Stith seconded by Council Member Edwards to continue the public hearing on the Elementary A (Durham Public Schools) annexation to the January 21, 2003 City Council Meeting was approved at 8:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

2) Hope Creek Church of Nazarene, Inc.

Mayor Bell opened the public hearing and no one spoke in support or against this annexation. The Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizen comments on the public Hope Creek Church of Nazarene, Inc.; and

To adopt an ordinance annexing Hope Creek Church of Nazarene, Inc.; in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002 was approved at 10:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: Mayor Bell. Absent: None.

Ordinance #12720

3) Marena Place, Farrington Road Baptist Church, Maida Vale and Brassfield

Mayor Bell opened the public hearings for Marena Place, Farrington Road Baptist Church, Maida Vale and Brassfield annexations.

Attorney Jack Markham spoke in support of the Maida Vale annexation. No one spoke in support or against the other annexations. The Mayor declared the public hearings closed.

MOTION by Council Member Clement seconded by Council Member Edwards to receive citizen comments on public hearings for Marena Place; Farrington Road Baptist Church; Maida Vale; and Brassfield; and

To adopt ordinances annexing Marena Place; Farrington Road Baptist Church; Maida Vale; and Brassfield in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002; and

To authorize the manager to pay the debt service of the Parkwood and New Hope Volunteer Fire Departments (VFDs) in connection with the Marena Place; Maida Vale annexation areas; and

To authorize the manager to modify an existing half-base contract with the Bethesda and Parkwood VFDs to provide supplemental fire protection over a five-year period for the Farrington Road Baptist Church and Brassfield annexation areas under the same terms

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and conditions as services are provided to other areas in such contracts was approved at 10:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

For clarification, City Attorney Blinder outlined action taken by Council.

Ordinance #12719 – 12721 – 12722 -12723

SUBJECT: SEWER MAIN ON SOUTH ALSTON AVENUE FROM SOUTH PROPERTY LINE OF TAX MAP 555-4-15 TO NORTH PROPERTY LINE OF TAX MAP 556-4-3A (MINI ASSESSMENT ROLL) - RUSSELL D. AND LISA M. TUSA, 2647 SOUTH ALSTON AVENUE

Lee Murphy, of the Public Works Department, briefed Council on the staff report.

Mayor Bell opened the public hearing and no spoke in support or against this item. The Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Edwards to find that the property of Russell D. and Lisa M. Tusa, identified as Tax Map 556-1-11, 2647 South Alston Avenue, has benefited from the sewer main improvement and to confirm the assessment in the original amount of \$2,117 was approved at 10:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SEWER MAIN ON SOUTH ALSTON AVENUE FROM SOUTH PROPERTY LINE OF TAX MAP 406-3-5 TO NORTH PROPERTY LINE OF TAX MAP 406-3-8 (MINI ASSESSMENT ROLL) - PAMELA M. BROWNE AND LEE V. MANN, JR.,

Lee Murphy, of the Public Works Department, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke on this item. The Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Edwards to find that the property of Pamela M. Browne and Lee V. Mann, Jr., identified as Tax Map 406-3-7, South Alston Avenue, Part of Lot 1 and Lots 2-5, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$6,407 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the sewer service (in accordance with City Policy) was approved at 10:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: REZONING MATTER CASE P02-48 - HOPE VALLEY FARMS
POD X – CASWYCK-HVF, LLC - EAST SIDE OF S. ROXBORO
STREET; SOUTH OF MARTIN LUTHER KING, JR. PARKWAY**

To receive public comment on rezoning Case P02-48 (Hope Valley Farms Pod X)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-48 out of PDR-7.78 and placing same in and establishing same as PDR-12.6.

Zoning Committee Recommendation and Vote: Approval - (5-2)

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing.

Proponent

Attorney Jack Markham, representing the applicant, spoke in support of this rezoning. He made comments about the development plan provided to Council.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to receive public comment on rezoning Case P02-48 (Hope Valley Farms Pod X); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-48 out of PDR-7.78 and placing same in and establishing same as PDR-12.6 was approved at 10:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: REZONING MATTER CASE P02-59 - SENIOR LIVING (AT
FORMER DUKE UNIVERSITY LAUNDRY) - DUKE
UNIVERSITY (JEFFREY POTTER), NORTHWEST CORNER OF
GATTIS STREET AND WILKERSON AVENUE**

To receive public comment on rezoning Case P02-59 (Senior Living)

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To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-59 out of R-5 and placing same in and establishing same as RM-16(D)

Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report commenting on the development plan, committed elements and staff's recommendation of approval.

Council Member Cole-McFadden expressed concern relative to residents getting in and out of facility.

Frank Duke, City/County Planning Director, made comments about the existing driveway.

Mayor Bell opened the public hearing and no one spoke in support or against this rezoning. The Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Clement to receive public comment on rezoning Case P02-59 (Senior Living); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-59 out of R-5 and placing same in and establishing same as RM-16 (D) was approved at 10:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (CASE SC02-07) - TROY STREET - DURHAM PUBLIC SCHOOLS – SOUTH OF COOPER STREET, EAST OF BACON STREET, BETWEEN DURHAM TECHNICAL COMMUNITY COLLEGE PARKING LOT AND HARRIS ELEMENTARY SCHOOL

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or against this item. The Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to hold a public hearing to receive public comment and to adopt an order closing 1,295 linear feet of Troy Street was approved at 10:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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Ordinance #12724

**SUBJECT: REZONING MATTER CASE P02-53 - BROAD AND MARKHAM
RETAIL CENTER - THE SIRENS LOUNGE, LLC (LINDSAY
LOCKE) – 1802 W. MARKHAM, SOUTHWEST CORNER AT THE
INTERSECTION OF BROAD STREET AND MARKHAM
AVENUE**

To receive public comment on rezoning Case P02-53 (Broad and Markham Retail Center.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-53 out of OI-2 and placing same in and establishing same as GC (D).

Zoning Committee Recommendation and Vote: Approval - (7-0)

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report making comments about the committed elements on the development plan [limit site uses and architectural character].

Mayor Bell declared the public hearing opened.

Proponents

Attorney Kenneth Spaulding, representing the applicant, spoke in support of this rezoning. He made comments about the existing building, development plan, and small area plan and urged Council to approve the rezoning.

Lindsay Locke, applicant, spoke in support of this rezoning. She noted she has addressed the parking issues by receiving official and unofficial agreements from the business owners in the area to use parking spaces. Also, she discussed the safety issues noting she would be providing private security and off-duty police officers at the proposed establishment.

George Stanziale, representing the applicant, spoke in support of this item noting this project will add a very nice touch to the Main Street area.

Tom Miller, representing Watts-Hospital – Hillandale Neighborhood Association, spoke in support of this proposal urging Council to give this project favorite consideration.

John Schelp, representing the Old W. Durham Neighborhood Association, spoke in favor of this project noting the Board unanimously voted to support this rezoning.

Opponents

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Clarence Hill, of Asbury United Methodist Church, spoke in opposition to this rezoning noting parking concerns.

Donald Yarboro, representing Iredell Street Business Owners, presented Council with a petition signed by six property owners from Parrish Street and Markham Avenue opposing the rezoning noting the proposed parking is inadequate. Also, he expressed vandalism, violence, alcohol and notification concerns.

Rebuttal

Attorney Kenneth Spaulding, representing the applicant, noted the parking requirements have been met.

Lindsay Locke, applicant, made comments concerning the parking issue noting she has received four more easement agreements and informal agreements. Also, she made comments about her meetings with business owners in the area.

George Stanziale, representing the applicant, noted Parrish Street is well outside the area to be notified for this rezoning.

Mayor Bell declared the public hearing closed.

Council Member Stith asked the administration about the parking situation.

Frank Duke, City/County Planning Director, briefed Council noting the applicant does meet the code for parking.

Council Member Clement noted he could not support this rezoning due to alcohol concerns.

Council Member Cole-McFadden expressed concerns relative to inadequate parking and the proximity of establishment to the church.

MOTION by Council Member Stith seconded by Council Member Best to receive public comment on rezoning Case P02-53 (Broad and Markham Retail Center; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-53 out of OI-2 and placing same in and establishing same as GC (D) was approved at 11:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

SUBJECT: PSNC ROOF REPLACEMENT CONTRACT - PEACH ROOFING COMPANY, INC.

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Mark Greenspan, Director of Property & Facilities Management, reported the agenda item that went to Council in 2000 disclosed that additional repairs would be needed to the old PSNC building.

Council Member Stith expressed concern with repairs.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt “An Ordinance Amending General Capital Improvement Project Ordinance, As Amended, The Same Being Ordinance #12587”; and

To authorize the City Manager to enter into a contract with Peach Roofing Company, Inc. in the amount of \$49,400 with \$3,000 contingency, the total not to exceed \$52,400 to replace the roof of the old PSNC building; and

To authorize the City Manager to modify the contract prior to execution as long as those modifications do not increase the dollar amount of the intent of the contract was approved at 11:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Edwards. Noes: Council Member Stith. Absent: None.

Ordinance #12729

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2002 - BENNINGTON SUBDIVISION; NC 55 / SEDWICK PROPERTY; LEXINGTON PARK; EAGLE’S POINTE – PHASE III - REDWOOD VOLUNTEER FIRE DEPARTMENT (VFD) - BETHESDA AND PARKWOOD VFDS

To receive citizen comments on public hearings for Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle’s Pointe – Phase III.

To adopt ordinances annexing Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle’s Pointe – Phase III in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002.

To authorize the City Manager to pay the debt service of the Redwood Volunteer Fire Department (VFD) in connection with the Bennington Subdivision annexation area.

To authorize the City Manager to modify an existing half-base contract with the Bethesda and Parkwood VFDs to provide supplemental fire protection over a five-year period for the Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle’s Pointe – Phase III annexation areas under the same terms and conditions as services are provided to other areas in such contracts.

Julie Brenman, Budget Director, made comments about the NC 55/Sedwick Property annexation noting it shows a negative cash flow under the current zoning.

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1) NC 55/Sedwick Property

Mayor Bell opened the public hearing.

Attorney Jack Markham, representing the applicant, spoke in support of the NC 55/Sedwick property annexation. He made comments noting the current zoning of the property which shows 4 residential units which is far below what the property could be used for, therefore, under the current zoning this would take it from a negative cash flow to a positive one.

Ron Horvath, representing the applicant, stated that part of the site is in the City limits and the piece in the County could support 6,000 square feet of office and up to 25 apartment units which would be a positive cash flow for the City.

The Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to receive citizen comments on the public hearing for NC 55 / Sedwick Property; and

To adopt an ordinance annexing NC 55/Sedwick Property in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002 was approved at 11:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12726

2) Lexington Park

Mayor Bell opened the public hearing.

Grant Leonard, of 303 Intern Way, spoke in opposition to this annexation. He made comments about the pictures presented to Council at its December 2 meeting and noted this failed approval by the County twice (P01-79 and P02-3). Also, he noted the applicant could go and extend water & sewer under RD so therefore, there is no need to annex Lexington Park.

Ron Horvath, representing the applicant, spoke in support of this voluntary annexation.

Mayor Bell noted he could not support this item because of Mr. Leonard's comments.

The Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Best to receive citizen comments on the public hearing for Lexington Park; and

To adopt an ordinance annexing Lexington Park in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002 was approved at 11:26 p.m.

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by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: Mayor Bell. Absent: None.

Ordinance #12727

3) Bennington Subdivision

Council Member Cole-McFadden raised concern about the residents of Bennington Subdivision not being notified and asked the administration if they were aware of the opposition surrounding this annexation.

Julie Brenman, Budget Director, noted annexations are advertised in the newspaper and she was not aware of any opposition.

Mayor Bell opened the public hearing and no one spoke in support or against this annexation. The Mayor declared the public hearing.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizen comments on the public hearing for Bennington Subdivision; and

To adopt an ordinance annexing Bennington Subdivision in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002 was approved at 11:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Edwards and Stith. Noes: Cole-McFadden. Absent: None.

Ordinance #12725

4) Eagles Pointe –Phase III

Mayor Bell opened the public hearing and no one spoke in support or against this annexation. The Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizen comments on the public hearing for Eagles Pointe-Phase III; and

To adopt an ordinance annexing Eagles Pointe-Phase III in accordance with N.C. General Statutes 160A-58 and 160A-31 effective December 31, 2002 was approved at 11:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12728

Note: See additional action taken on this item later in the meeting.

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SUBJECT: ORDERING PETITIONED IMPROVEMENTS - SIDEWALK ON WOODCROFT PARKWAY (WEST SIDE) FROM FAYETTEVILLE ROAD SOUTH TO EXISTING SIDEWALK

Lee Murphy, of the Public Works Department, made comments about the valid petition for sidewalk improvements.

Mayor Bell opened the public hearing and no one spoke in support or against this item. The Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Edwards to receive citizen comments in a public hearing for ordering a Sidewalk on Woodcroft Parkway (West Side) from Fayetteville Road South to Existing Sidewalk; and

To adopt a resolution ordering a Sidewalk on Woodcroft Parkway (West Side) from Fayetteville Road South to Existing Sidewalk was approved at 11:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JULY 1, 2002 - BENNINGTON SUBDIVISION; NC 55 / SEDWICK PROPERTY; LEXINGTON PARK; EAGLE'S POINTE – PHASE III - REDWOOD VOLUNTEER FIRE DEPARTMENT (VFD) - BETHESDA AND PARKWOOD VFDS

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to authorize the City Manager to pay the debt service of the Redwood Volunteer Fire Department (VFD) in connection with the Bennington Subdivision annexation area was approved at 11:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Mayor Pro Tempore Cheek seconded Council Member Stith to authorize the City Manager to modify an existing half-base contract with the Bethesda and Parkwood VFDs to provide supplemental fire protection over a five-year period for the Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle's Pointe – Phase III annexation areas under the same terms and conditions as services are provided to other areas in such contracts was approved at 11:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACT APPROVAL

Kenneth Pennoyer, Acting Finance Director, briefed Council on this item noting the list has been adjusted and there is a supplemental list of seven contracts that have been added at the request of the Housing Department.

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Council Member Cole-McFadden raised concern with Taylor Home Improvements being behind in their contracts.

Mayor Bell asked the City Manager to report back to Council concerning the staffing issue in the Housing Department.

MOTION by Council Member Clement seconded by Council Member Best to authorize the City Manager to approve the listed contracts; and

To limit the Council's approval of contracts to those contracts not covered under #7867, #7977, and #6014; and

To authorize the City Manager to make changes to the list of contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 11:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Contractor	Department	CT Amount
The Events Group	OEED	\$ 700
The Creative Mark	OEED	\$ 2,500
Nisha Datta **	OEED	\$ 24,750
G. H. Williams Collaborative	P&R	\$ 29,200
Prue K. Mulrine	P&R	\$ 150
Triangle Catering Inc	P&R	\$ 6,768
Sigrid Carter	P&R	\$ 250
Eve Cornelious	P&R	\$ 1,200
Brent Lyon	P&R	\$ 400
RHI Management Resources **	Housing	\$ 29,400
Complete Lawn Care	Housing	\$ 4,500
Leah Fuerst	P&R	\$ 400
Danielle Jones	P&R	\$ 500
Sophia Bessias	P&R	\$ 500
Emily Timmons	P&R	\$ 800
Denise Roper	P&R	\$ 3,000
Katherine Foster	P&R	\$ 486
American Management System	Budget	\$ 3,000
UNC Survey Research Unit	Budget	\$ 28,464
Gibbs Grading Inc.	Housing	\$ 5,600
K&C Enterprise	Housing	\$ 4,500
Kimley Horne & Associates	PFM	\$ 16,000
Matrix Health & Safety Consultants	PFM	\$ 2,640
Charles B. Anderson	PFM	\$ 2,000
Internet of the Sandhills	Police	\$ 343

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Laurent Coq	P&R	\$ 3,200
Perry Davis	P&R	\$ 800
Ben Weber	P&R	\$ 640
Rags to Riches	P&R	\$ 500
Celebrations Inc	P&R	\$ 2,500
Tonya Bass Richardson	P&R	\$ 560
Warrick Taylor	P&R	\$ 1,000
Betty Snuggs	P&R	\$ 450
Darryl McReynolds	P&R	\$ 450
Momolu Murray	P&R	\$ 450
Ana Velasquez	P&R	\$ 360
Lura Suggs	P&R	\$ 800
Rebekah Fuerst	P&R	\$ 800
Malcolm Goff	P&R	\$ 360
Kenneth McNeil	P&R	\$ 1,000
Thomas Guy	P&R	\$ 1,800
Kendy Madden	P&R	\$ 300
Brenda Thompson	P&R	\$ 400
Computer Associates International, Inc	TS	\$ 5,167
Gibbs Grading Inc.	PFM	\$ 1,250
Environmental Investigations Inc	Housing	\$ 904
Tracey Euliss	P&R	\$ 160
Nazeeh Magar	Human Resources	\$ 2,400
Daryl Purcell	P&R	\$ 1,000
The Banks Law Firm **	EOEA	\$ 10,000
Ellington & Son	Housing	\$ 5,900
Capital Builders	Housing	\$ 36,155
Capital Builders	Housing	\$ 43,685
Taylor Home Improvements	Housing	\$ 6,640
Taylor Home Improvements	Housing	\$ 3,400
Taylor Home Improvements	Housing	\$ 800
Capital Builders	Housing	\$ 12,145

[SUPPLEMENTAL AGENDA]

**SUBJECT: RESOLUTION ESTABLISHING SCHEDULE OF FEES FOR
NONCONSENSUAL TOWS**

Assistant City Manager Ted Voorhees briefed Council on the discrepancy printed in the November 5, 2002 agenda which did not include a motion to adopt a resolution.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt a Resolution Establishing Schedule of Fees for Nonconsensual Tows was approved

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at 11:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8949

**SUBJECT: DECEMBER 2002 ICE STORM – NORTH CAROLINA
DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY,
ASPLUNDH ENVIRONMENTAL SERVICES – BUSH HOG
AMERICA, INC., HOLMES CONTRACTING, INC.,**

Assistant City Manager Ted Voorhees noted there are additional debris contracts that will come to December 19, 2002 City Council Work Session.

- a) **MOTION** by Council Member Clement seconded by Council Member Edwards to adopt the "Federal Emergency Management Agency grant project ordinance for the December 2002 Ice Storm" in the amount of \$5,100,000 was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12710

- b) **MOTION** by Council Member Clement seconded by Council Member Edwards to adopt a resolution appointing the City Manager or designated agent to enter into the Disaster Assistance Agreement with the North Carolina Department of Crime Control and Public Safety: Division of Emergency Management for the December 2002 Ice Storm; and

To authorize the City Manager to make changes to the Disaster Assistance Agreement before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the Disaster Assistance Agreement was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8950

- c) **MOTION** by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to execute an emergency services contract with Asplundh Environmental Services in the amount of \$208, 050 to provide tree, limb and associated debris removal services until such services are no longer required; and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 11:39 p.m. by the following vote:

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Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- d) **MOTION** by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to execute an emergency services contract with Bush Hog America, Inc. in the amount of \$20,000 to provide tree, limb and associated debris removal services until such services are no longer required; and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- e) **MOTION** by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to execute an emergency services contract with Holmes Contracting, Inc. in the amount of \$2,224,500 to provide tree, limb and associated debris removal services until such services are no longer required; and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- f) **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement To adopt a Resolution Temporarily Suspending Solid Waste Disposal Surcharges for Uncovered Loads Containing Storm Debris was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8951

- g) **MOTION** by Council Member Clement seconded by Council Member Edwards to accept a verbal report on emergency contracts awarded during the severe winter storm was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- Asplundh Environmental Services, for emergency tree and limb removal
- Bush Hog America, for emergency debris clearing services
- Holmes Contracting, for debris collection service

- h) **MOTION** by Council Member Clement seconded by Council Member Edwards to accept a verbal update on emergency contracts to be awarded at the 12-19-02 Work Session was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- Tree Hazard Removal Services
- Debris Collection Monitoring Services
- Waste Reduction Contract
- Sewer cleaning

SUBJECT: CLOSED SESSION – SOUTHEAST DURHAM DEVELOPMENT CORPORATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Edwards to go into a closed session to discuss pending litigation [Southeast Durham Development Corporation vs the City of Durham] was approved at 11:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[OPEN SESSION]

By unanimous vote, the City Council returned to open session.

No action was taken.

There being no further business to come before the City Council, the meeting was adjourned at 11:47 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk